

In re Patent Application of:
VARNEY ET AL.
Serial No. 10/772,961
Filing Date: **FEBRUARY 5, 2004**

REMARKS

Applicants would like to thank the Examiner for recognizing the Petition to Make Special, and for the thorough examination of the present application. Applicants would also like to thank the Examiner for allowing Claims 14-24 and for correctly indicating as allowable the subject matter of dependent Claims 3-9, 11 and 12.

Independent Claim 1 has been amended to include the allowable subject matter from dependent Claim 3. Dependent Claim 3 has been cancelled and the dependency of Claim 4 has been changed accordingly.


Independent method Claim 25 has been amended similarly to independent device Claim 1. In particular, independent Claim 25 has been amended to include the subject matter from dependent Claim 27. Dependent Claim 27 has been cancelled and the dependency of Claim 28 has been changed accordingly. The subject matter of dependent Claim 27 is the same as the subject matter of dependent Claim 3, which the Examiner identified as allowable. In the Official Action, the Examiner has taken the position that the method claims only recite structure. Amended independent Claim 25 now recites "placing the exhaust bypass in a normal position so that the spaced apart exhaust windows are non-overlapping . . ." and "placing the exhaust bypass in a bypassed position so that the exhaust windows are overlapping . . ." The remaining dependent claims have been amended so that they more positively recite the method steps.

New Claims 33-44 are being added. New independent Claim 33 is based upon original independent Claim 1 and the allowable subject matter from dependent Claim 10.

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In view of the amendments to the claims and the new claims, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, on this 9th day of November, 2004.

